

**BARBARA LEE**

13TH DISTRICT, CALIFORNIA

DEMOCRATIC STEERING AND POLICY COMMITTEE



**COMMITTEE ON APPROPRIATIONS**

Member, Subcommittee on  
Labor, Health and Human Services, Education,  
and Related Agencies

Member, Subcommittee on  
State, Foreign Operations, and Related Programs

**Congress of the United States  
House of Representatives  
Washington, D.C. 20515-0509**

REPLY TO OFFICE CHECKED

☐ **WASHINGTON OFFICE**  
2267 Rayburn House Office Building  
Washington, D.C. 20515  
Phone: (202) 225-2661  
Fax: (202) 225-9817

☐ **DISTRICT OFFICE**  
1301 Clay Street, Suite 1000N  
Oakland, CA 94612  
Phone: (510) 763-0370  
Fax: (510) 763-6538

website: lee.house.gov

**COMMITTEE ON THE BUDGET**

The Honorable Chuck Hagel  
Secretary  
Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301-1000

Dear Secretary Hagel,

I am writing in reference to the report I received, entitled "Report to Congressional Defense Committees on Department of Defense Personnel Policies Regarding Members of the Armed Forces with HIV or Hepatitis B." This report was required by Section 572 of the National Defense Authorization Act of 2014.

I appreciate the Department of Defense (DOD) sending the report in a timely manner. However, there are several issues with the Report that are cause for serious concern. As such, I respectfully request a meeting with the authors of the reports, the appropriate directors of the Defense Health Agency, and your deputies in order to facilitate a productive conversation about the findings included in the Report.

Some of the issues include, but are not limited to: transparency as to the authors of the report, what medical journals or epidemiological studies were used to justify the policies outlined in the Report, and issues of medical privacy rights. Additionally, we would like to know the criteria a commanding officer utilizes to determine if an HIV positive service member is fit for duty. What is the rationale behind differential treatment prohibiting recruitment/enlistment of HIV positive individuals and the retention policies for individuals who become HIV positive?

Additionally, the definition of "HIV Safe Sex" policy is inherently discriminatory, in that it pertains to only HIV positive individuals. I also have questions regarding the discussion of President George Bush's removal of HIV from the list of communicable diseases is not referenced. In addition, I would like to follow up regarding the status of the Army and Navy's HIV/ AIDS DOD. At the time of the report the policies still remained to be determined.

The policies discussed in this report raise some serious questions. I welcome the opportunity to discuss these and other issues with you, your deputies, and the authors of this report.

I remain committed to working with you to craft more comprehensive HIV/Hepatitis policies that are best not only for our national defense strategy and for the HIV positive servicemen and women, but that are also medically sound and scientifically accurate. My staff and I look forward to working with you on next steps.

Thank you for your time and attention to this matter.

Sincerely,

Barbara Lee  
Member of Congress